

~~INTERNAL USE ONLY~~**APPROVED FOR RELEASE 1993
CIA HISTORICAL REVIEW PROGRAM**

OLC#76-3423

10 November 1976



MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Richard Sprague, Chief Counsel,
House Select Committee on Assassinations

REFERENCE: Memorandum for the Record, 27 October 1976
(OLC 76-3094)

1. In follow up with the concept embodied in referent memorandum and in an effort to obtain further agreement on principles and further delineation of upcoming requirements, I made arrangements to meet with Richard Sprague. Mr. Richard Feeney, his Executive Assistant, sat in. Scott Breckinridge, Deputy Inspector General, accompanied me to the meeting.

2. I opened by explaining Mr. Breckinridge's role and background and our interest in getting a better appreciation of the type and depth of support the Committee would need from us to facilitate their inquiry. It was emphasized that such mutual sizing of our respective requirements would enable us to posture ourselves to work efficiently and effectively together. Sprague, as he had previously, appreciated the sincerity of our interests to be cooperative and the importance of getting off on the right foot.

a. Security - Sprague is in full agreement that the Committee needs a full-time professional security officer. I said the sooner the better in order to work out the minimum security requirements of the Director in light of his statutory responsibilities for sources and methods. I told him we had specific guidelines in mind and wanted to reach agreement as soon as possible but the last word I had received was that the Committee was behind in processing its personnel security clearances. Feeney is to follow-up. I also mentioned that we would want security agreements with the staff, which was acceptable.

b. Public Statements - Noting that the TV cameras had been filming Sprague prior to our meeting, I said one of the underpinnings for smooth cooperation between us would be strong discipline against leaks and public statements which could lead to press whipsawing between the Agency and the Committee. I said for our part we would not feel it appropriate to comment on the substantive aspects of the investigation.

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Sprague said he could not guarantee what the members would do but as far as he was concerned, and inferentially for the entire staff as well, there would be absolutely no public statements of the type which would detract from the professional investigation he intended to run.

c. Organization - Sprague plans on two task forces, each composed of 15 attorneys and 25 investigators augmented by a general legal staff. One of the task forces will concentrate on the assassination of John F. Kennedy and the other on Martin Luther King, Jr. The Kennedy task force leader will be Robert Tannenbaum, Chief Deputy Counsel of the Committee and a former assistant district attorney in New York City, who has handled a number of Mafia cases. Tannenbaum will be one of our key contacts on that staff and we had a short introductory meeting with him. There will also be a polygraphs and stress evaluation unit. He will have a document control unit for receipting of documents, separating them for forwarding to the separate task forces, cross-referencing, and research. The committee will also use computers. The task force leader for the King assassination will be Robert Lehner.

d. Documents and Interviews - Sprague repeated his earlier statement that he is not interested in collecting documents. I said this would enhance the security of our entire operation and invited him to Headquarters to size our collection learn how we index and handle documents so he could determine how many personnel he needed to assign for their review. He was taken by this idea. I said it was our hope that not all 40 on the Kennedy task force would need access to this material and, of course, the earlier we had a feel on this the better; it would aid in our setting up of suitable arrangements at our Headquarters building. It was agreed that we would have a session early next week and arrangements were made for Tuesday, 16 November, at 2:00 p.m. It was indicated that we would also have to make special arrangements for interviews, an area extremely important to Sprague. Sprague bristled somewhat and I asked that we defer this for now but explained that our people were bound by security agreements to the Director and in releasing them from that obligation in connection with the investigations we had a legitimate right to make arrangements to assure that sensitive information unrelated to these lines of inquiry were not disclosed (this is probably going to be one of our most difficult areas). Mr. Breckinridge elaborated on this point as it relates to documents.

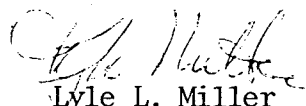
e. General Attitude - Sprague continued to display a very positive attitude towards our problems, but at the same time there is no question that he intends to run as complete an investigation as possible, recognizing that in the process he will have to run down perhaps many blind alleys. His view is that this is the only way to make the effort worthwhile at all.

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f. Action -

- (1) There is some concern over the possibility that documents in which they are interested may be destroyed. I allayed Sprague's concern on that point and have asked Hal Bean to draft a suitable letter to Chairman Downing as well as an employee notice. It is extremely important to do this before the document destruction notice appears in the Federal Register because that notice refers only to S. Res. 21 documents and not the needs of the Committee.
- (2) Make arrangements for a meeting at Headquarters which will involve Sprague, Feeney, and Donovan Gay, Director of Research for the Committee.
- (3) Pull together all Agency material on King and Lee Harvey Oswald (Sprague believes we probably have small holdings in this area and it is a priority task for the Committee).



Lyle L. Miller
Deputy Legislative Counsel

Distribution:

- 1 - DCI
- 1 - DDCI
- 1 - IG
- 1 - D/IG
- 1 - OGC
- 1 - DDO
- 1 - DDA
- 1 - Office of Security

OLC:LLM:ndl (23 Nov 1976)

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CIA HISTORICAL REVIEW PROGRAM**

INSPECTOR GENERAL

76-3327

10 November 1976

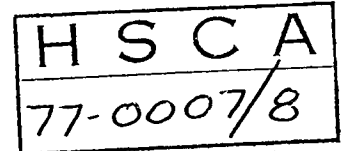
OLC#76-3264

MEMORANDUM FOR: Lyle Miller
Deputy Legislative Counsel

FROM : S. D. Breckinridge
Deputy Inspector General

SUBJECT : Downing Committee

Lyle



1. As I mentioned to you yesterday we have been looking at the problems presented in getting ready to respond to Downing Committee requests. My interest, of course, is to ensure that things proceed on an orderly basis instead of impacting internally in a series of unnecessary crisis situations. There will be enough difficulty responding to requests if everything is arranged, understood, and working smoothly; if these details aren't sorted out the Agency will look badly consistently.

2. John Leader and Al Brody, at my request, have been conducting an exploration of some of the problems. The informal results of that exploration are incorporated in the attached memorandum. This is forwarded to you for whatever use you may find for it. In the light of your statements yesterday we will stand down on this aspect of the matter. Please feel free to call on us as problems arise. I am sure that as we get into it the questions will all be handled.

S. D. Breckinridge

S. D. Breckinridge

Attachment:
As Stated

18904

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SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED	CONFIDENTIAL SECRET		
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	<i>Mr. Lyle Miller</i>		
2			
3			
4			
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		☒ INFORMATION	SIGNATURE
APPROVED FOR RELEASE 1993 CIA HISTORICAL REVIEW PROGRAM			
Remarks: <i>Lyle;</i> <i>all - 4 DR's have a copy of this -</i> <i>but suggest you inform the DRD</i> <i>that Sprague's visit will not</i> <i>entail looking at documents.</i> <i>O/S is also concerned due to</i> <i>lack of security clearance.</i>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
<i>John Leader - 16 Staff</i>			<i>11 Nov.</i>
UNCLASSIFIED		CONFIDENTIAL	SECRET

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APPROVED FOR RELEASE 1002
CIA HISTORICAL REVIEW PROGRAM

Guill
H S C A
77-0007/45

10 November 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. Sprague

1. Lyle Miller and I met with Mr. Sprague this afternoon for about an hour and 45 minutes after our scheduled time. My personal reaction towards him was very positive and his statements of concern to work with us were convincing. Lyle Miller emphasized the importance of the earliest possible selection of a professional security officer so we can discuss a number of kinds of arrangements that are important.

2. Mr. Sprague plans to have two teams, one each for the Kennedy and King assassinations, with 15 lawyers and 25 investigators on each team. He does not intend to flood us and is speaking more in terms of a small number coming to the Agency some time after the first of the year to commence reading. He understands that we need to know his plan of approach and how it will impact on us so we can posture ourselves accordingly. We made it clear that otherwise our responses may leave something to be desired. As he does not have his budget he said that there was some uncertainty yet and alluded jokingly to the possibility that if there is insufficient support someone else would be directing the investigation.

3. Mr. Sprague has two requests now. The first probably has to do with his budget request. He would like to have us review our holdings on Martin Luther King in toto; if this is a manageable collection and if we could draw them together he would like it done soon. It was our impression, although he said nothing directly on the point, that this may relate to support from the Black Caucus on his budget request. He also expressed interest in anything we have on Ray, Reverend King's murderer. It is suggested that proper instructions go to the four directorates at once to see what we have and what we can do.

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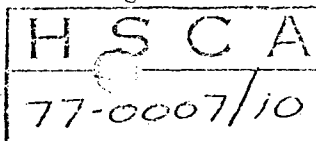
4. Mr. Sprague responded positively to our discussion of the research problem in the Agency. We offered to show him the various files that we thought would be of primary interest to him and to expose him to some of the larger filing systems to which his research may lead him. In discussing time he settled on Tuesday afternoon and will probably bring a couple of people with him. The details will be completed by Lyle Miller.

5. Lyle took notes and probably will write a more complete memorandum on the meeting. It is suggested that John Leader contact Phil Fendig and arrange for Bill Sturbitts of LA Division and Bob Wall/Russ Holmes of CI Staff to talk with them about their files as well as arrange a tour through RI. It is also suggested that the Office of Security have Ray Reardon give a briefing on his files and a walk-through of the Office of Security system. It is also suggested that a request on the King/Ray question be circulated on a priority basis.

~~1/s/~~ S. D. Breckinridge *[Signature]*
S. D. Breckinridge

SDBreckinridge:js (10 Nov 76)
Distribution - Orig. - IG Task Force File
1 - SDB Chrono
4 - JLLLeader

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Guideline

12. (Unclassified - DFM) BRIEFING Mike Madigan, Senate Select Committee on Intelligence staff, called to request a second briefing by George Kalaris, C/CI Staff, on the Agency's counter-intelligence mission. Kalaris wasn't able to finish his briefing on 3 November because of numerous staff questions and Bill Miller, Staff Director, said at that time he would like to schedule another briefing. After checking with Kalaris, the briefing was set up for 23 November at 9:30.

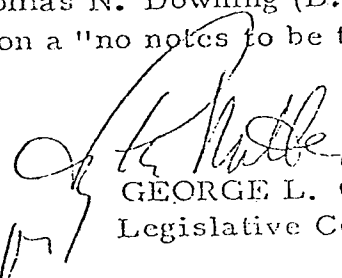
13. (Confidential - LLM) LIAISON In response to his previous request, made arrangements with Alan Romberg, NSC staff, to read the transcript of the briefing before the Subcommittee on Arms Control, International Organizations and Security Agreements, Senate Foreign Relations Committee.

14. (Unclassified - LLM) FAA ALERT Reached Ralph Preston, House Appropriations Committee staff, at home and alerted him to the fact there has been another Presidential finding.

15. (Unclassified - LLM) LIAISON Larry Callahan, Department of Justice, called to determine our interest in collaborating with them on drawing up the investigations standards for security standards of the House Select Committee on Assassinations. I said I thought we would want to apply the same standards that were followed in the case of the Senate committees and Robert Gambino, D/Security, has been alerted to follow through on this with Justice.

Little progress has been made on the security clearances and Callahan is quite certain that at least one and possibly two staffers known to him would not meet suitable standards of the Department of Justice.

Regarding the "Hoover memo," a decision is now pending in Justice on showing it to Chairman Thomas N. Downing (D., Va.) and Representative Samuel L. Devine (R., Ohio) on a "no notes to be taken" basis. Dave Griffin, SA/DCI, was advised.


GEORGE L. CARY
Legislative Counsel

cc: O/DCI O/DDCI Ex. Sec. DDI DDA DDS&T Mr. Lapham
Mr. Parmenter Mr. Falkiewicz SA/DO/O IC Staff Comptroller

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CIA HISTORICAL REVIEW PROGRAM

Circulated

OLC#76-3471

HSC on Assassins

29 November 1976

MEMORANDUM FOR: Mr. William W. Wells
Deputy Director for Operations

H S C A
77-0019/1

Mr. Theodore G. Shackley
Associate Deputy Director for Operations

FROM : John Walker
O/SA/DO/O

Guidelines

SUBJECT : Visit to DDO's Office by Mr. Richard A. Sprague, Chief Counsel for the House Committee on Investigations of Assassinations

1. On 24 November 1976, Mr. Richard A. Sprague, Chief Counsel for the House Committee appointed to investigate the assassinations of former President John F. Kennedy and Civil Rights Leader Martin Luther King, visited the Headquarters building. Sprague was accompanied by Mr. Donovan Gay and Mr. Richard Feeney, members of his staff. Sprague's tour was conducted by Mr. Lyle Miller of the Office of Legislative Counsel.

2. During the course of his visit, Sprague received a briefing on the Registry conducted by Mr. Bruce Johnson. He also met briefly with those members of the CI Staff responsible for the Oswald files and with LA Division representatives in connection with the Cuban operations files.

3. Sprague was disarming in manner. He constantly emphasized that he did not wish to discuss any classified materials until such time as he and his staff members received security clearances. He sympathized with the tremendous burden of work that various investigations had brought the Agency, and he expressed a hope that he could count on Agency personnel to assist him in analysis of the material provided. He hoped that he would not have to request removal of documents from the Headquarters building. He indicated a preference for being provided suitable space in which his investigators could review the documents on the premises and that such documents would be kept readily available in a secure location for scrutiny by his staff.

4. Sprague wanted assurance that no documents of interest to his investigators would be destroyed. He questioned the OLC representative sharply on this point by stating that it was his responsibility to decide which documents were "relevant" to his investigations and not the responsibility of the Agency to make this determination.

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5. In his conversations with Registry, Sprague appeared to accept and understand the capabilities of Registry to recover certain types of information. It was explained to him that the Registry was geared to names of people rather than to specific subjects. It was not in a position, for example, to produce a list of all American defectors to the Soviet Union, a question which was asked by him. He was told that such information might be available in other record keeping mechanisms. Donovan Gay asked whether or not it was possible to determine the names of persons who had checked specific names in Registry.

6. A specific line of query put forward by Sprague was in connection with the telephone tap material covering the period of Oswald's visit to Mexico City in late September and early October 1963. Sprague was clearly aware that such material existed. The CI staff representative answered his questions in a satisfactory manner but indicated that he could not be precise since he had not been aware that Sprague might wish to pursue this at this time. Sprague accepted this explanation. If doubts existed, it may well have been concerning the use of the word transcription. Sprague may have received the impression that portions of the transcription had been "erased" rather than the references to the tapes which were erased to be used for other transcriptions.

7. There are no conclusions that can be reached from this rather brief visit. It is obvious that Sprague has been doing his homework and that he is an investigator, not an inspector, who will explore each point of interest to an ultimate conclusion. It is also our impression that he will expect frank and open cooperation and that he will not prejudge the Agency for any sins of "omission or commission". He appreciates the vast amount of Cuban operation material which is being reviewed for possible references which may bear on the Kennedy assassination. He indicated that he would rely heavily on the Agency personnel who are reviewing this material. Concerning the Oswald holdings, Mr. Fenney expressed the opinion that they probably would take a chronological approach. Sprague did ask in a non-critical vein as to why the Agency waited so long to conduct an Agency review of the Cuban material. He was satisfied with the response that, following the report of the Warren Commission, personnel, at that time, probably were of the opinion that the investigation had been thoroughly and finally completed.

8. During his conversations, Sprague asked on several occasions whether or not CIA interviewed U.S. defectors to the Soviet Union on their return to the U.S. In reply, he was told that such interviews would be within FBI jurisdiction and any interviews would have been coordinated with the FBI. Those who were asked, however, did not know of any cases.

John Walker

O/SA/DO/O:JWalker:kaw. (1542)

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Chino

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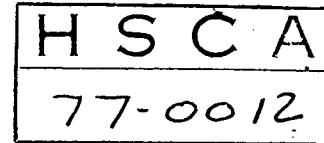


Washington, D.C. 20505

28 NOV 1976

OLC 76-3402

Honorable Thomas N. Downing, Chairman
Select Committee on Assassinations
House of Representatives
Washington, D. C. 20515



Dear Mr. Chairman:

Mr. Lyle Miller, of my staff, has relayed to me the interest of your Chief Counsel, Mr. Richard Sprague, that records of importance in the investigation of the deaths of John F. Kennedy and Martin Luther King, Jr. not be destroyed once the "moratorium" on the destruction of Agency records is lifted. Let me assure you that there is no cause for concern.

The "moratorium" was imposed on the destruction of CIA records in 1975 during the investigation by the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities and will expire on 10 December 1976. At that time regular document destruction will begin in accordance with records control schedules approved by the Archivist of the United States and subject to review by the Senate Select Committee on Intelligence. Within the next week we will publish in the Federal Register the Agency's policy in regard to the lifting of the destruction "moratorium" and the application of records control schedules to the orderly disposition of Agency records.

It is CIA's policy to fully support investigative bodies of the Executive, Legislative, or Judicial Branch, and we will continue to do so. Once the "moratorium" is lifted, we will destroy no materials relating to on-going Freedom of Information requests, cases subject to litigation, or cases under current investigation. I assure you that no documents which we are aware of as being related to your investigation will be destroyed.

Sincerely,

George Bush

Distribution:

Orig - Add'e	1 - DDA - Attn: H. Bean	1 - DD/S&T	18908
1 - DCI	1 - OLC Subject	1 - DDO	
1 - DDCI	1 - OLC Chrono	1 - DD/I	
1 - ER	1 - OGC	1 - Mr. Falkiewicz	
		1 - Scott Breckinridge	

OLC:LLM:ndl (22 Nov 1976)

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Distribution

Orig & 1 - DDO
2 - ADDO
1 - C/SS
1 - C/ISG
1 - C/CI
1 - C/LA
1 - OLC
2 - SA/DO/O

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ADDENDUM TO JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 24 November 1976

J-4

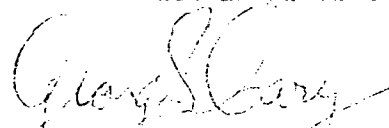


1. (Internal Use Only - PLC) LIAISON Pete Stathis, GAO, called yesterday, and requested that the draft GAO report entitled "Opium Eradication Efforts in Mexico: Cautious Optimism Advised" be reviewed for classified publication at the Confidential level. I explained that this would require a re-review of the material but we would hope to get back to him as soon as we can. Hank Piper, PCS/NC/DDO, was advised.

2. (Unclassified - CM) CONSTITUENT REQUEST Flora Sullivan, in the office of Representative Sam Gibbons (D., Fla.), called yesterday on behalf of a constituent who has invented a special kind of pistol. Ms. Sullivan said she would send us a copy of this letter. She lamented that it usually takes six weeks to get a response from the Federal bureaucracy, though she did not have that complaint about the CIA. I said we would try to reply in less than six weeks. Jim Glerum, SOD, said he would pursue the matter when we receive the letter.

3. (Unclassified - LLM) BRIEFING Scott Cohen, on the staff of Senator Charles H. Percy (R., Ill.), called to schedule a briefing for the Senator, who will be travelling to Japan on 11 December. Cohen also requested information on Japan to be sent to the Senator prior to the briefing. I called Mollie Kreimer, OCI, and the briefing has been set for 7 December, 10:00 a.m. Ms. Kreimer will also take care of getting the information together for the Senator prior to the briefing.

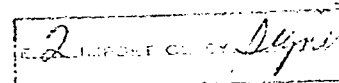
4. (Unclassified - LLM) LIAISON Mr. Richard Sprague, Chief Counsel, House Select Committee on Assassinations, Richard Feeney, Executive Assistant on the Committee, and Donovan Gay, Research Director on the Committee, came to Headquarters for a meeting today. The purpose of this meeting was to give the Committee a general sizing and overall prospective of our files and indices. (See Memorandum for the Record.)


GEORGE L. CARY
Legislative Counsel

cc: O/DCI O/DDCI Ex. Sec.
DDI DDA DDS&T Mr. Lapham
Mr. Falkiewicz Mr. Parmenter SA/DO/O
IC Staff Comptroller NIO

18909

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HSC on Assassinations

OLC RECORD COPY

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CIA HISTORICAL REVIEW PROGRAM

OLC 76-3724
24 November 1976

<i>Guadalupe</i>
H S C A
77-0019

MEMORANDUM FOR THE RECORD

SUBJECT: Visit of Mr. Richard Sprague, Chief Counsel,
House Select Committee on Assassinations

1. On 24 November 1976, Mr. Richard Sprague and other staffers of the House Select Committee on Assassinations visited Headquarters at my invitation. (See attached schedule.) The session started a bit late and ran until 1800 hours and provided a good basic introduction to the Agency's system for filing and retrieving information.

-- In line with my previous understanding with him, Sprague made it clear in his questions that he didn't want answers involving classified information, as he did not have a security clearance and was not entitled to classified information at this time.

-- Sprague was extremely sympathetic over the drain on our manpower as a result of Freedom of Information Act requests.

-- Sprague is aware of the Task Force review of the extensive LA Division holdings concerning the Castro retaliation theory raised in the Schweiker Report. He does not intend to impose any requirement on this collection until the work of the Task Force is completed. In response to his query as to why we were reviewing this material at this late date, he was informed it was principally to satisfy ourselves as a result of the question raised by the Schweiker Report.

-- Sprague was provided with the DCI letter (attached) to Chairman Thomas N. Downing (D., Va.), House Select Committee on Assassinations, assuring that records of interest to the Committee will be preserved for them and not destroyed. Sprague had some questions with the wording and I suggested he draft a revision of the letter keeping in mind that it should not be so restricting as to impede our efforts in getting on with the routine destruction of documents which the Agency should not hold under the Executive Order.

-- Sprague was provided with a courtesy copy of our Guide to CIA Statutes and Law.

-18910

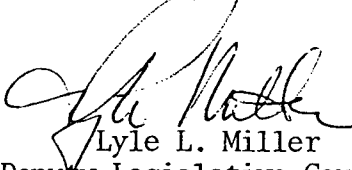
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IMPDET CL BY <i>Sigman</i>

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2. Following the across-the-board exposure to a number of Agency offices and their personnel, Sprague remarked that the Agency struck him as an exceptionally well organized Federal Agency.

-- Sprague again reported that the work of the Committee will not swing into full gear until January 1977. I think the meeting was a good kick-off to our upcoming relations with Mr. Sprague, his staff and his Committee; the time was a well spent exposure to both our informational handling capabilities and the limitations under which we operate. He was most appreciative of the time on the part of all who participated in the sessions as he was of what he learned in them.


Lyle L. Miller
Deputy Legislative Counsel

Attachments:
As stated

Distribution:

Orig - OLC Subject 1 - CI Staff 1 - O/S
1 - OLC Chrono 1 - LA Division 1 - IG
1 - Information Services Staff 1 - OGC

OLC:LLM:ca:ndl (21 Dec 76)

~~CONFIDENTIAL~~

Schedule for Richard Sprague, Chief Counsel, Richard Feeney,
Executive Assistant, and Donovan Gay, Research Director,
House Select Committee on Assassinations - 24 November 1976 - 2:00 p.m.

2:00 - Greet Committee Staffers

2:15 - Meet with Bruce Johnson, Information Services Staff - Room 1D-23
- Brief introduction to include an overall perspective
on our files and indices
- Brief demonstration or show and tell of how
the system works

3:00 - Meet with Russ Holmes and Bob Wall, CI Staff - Room 3C-28
- Sizing of Oswald/Warren Commission files
- General question/answer period

3:30 - Meet with Bill Sturbitts, LA Division - Room 3C-28
- Sizing of LA Division files
- General question/answer period

4:00 - Meet with John Hunt, Office of Security - Room GE-31
- Sizing of Security files
- General question/answer period

4:30 - Meet with John Waller, Inspector General - Room 2E-24
- Amenities from Mr. Propriety and
sizing of IG files
- General question/answer period

4:50 - Meet with Tony Lapham, General Counsel - Room 7D-01
- Amenities from Mr. Legality

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CIA HISTORICAL REVIEW PROGRAM

ADDENDUM TO JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 29 November 1976

J-2

H S C A
77-0007/11

Gundel

1. (Secret - THW) BRIEFING Bill Ashworth, Senate Foreign Relations Committee staff, called saying that at the urging of Senator Charles H. Percy (R., Ill.), Chairman John J. Sparkman (D., Ala.) will hold hearings beginning in January on foreign policy implications of strategic nuclear forces. They would like to schedule a hearing for the 13th of January with the Director as the main witness. To avoid the problem of having reporters and public present at the beginning of a hearing only to go into executive session and be excluded, they would like the Director to give an unclassified statement in open session followed by questions in open session after which they would go into executive session if necessary. The Director would be asked to discuss current trends in the U. S. -Soviet strategic nuclear balance. I told him I would check on the matter and get back to him.
2. (Unclassified - THW) LIAISON Chuck Savage, DDA, called saying he had received a call from the National Archives stating that Johanna Smith, on the House Select Committee on Assassinations staff, had requested a classified document in possession of the national archivist but under Agency control and Savage asked me to call Mike Reynolds at National Archives directly on the matter. I did so and told him that our agreement with Richard Sprague, Chief Counsel, House Select Committee on Assassinations, was that they would not ask for or be given any classified information until such time as they have the necessary security clearances and security procedures set up. I suggested he relay this to Johanna Smith and if he had any further problems to call back.

George L. Cary

GEORGE L. CARY
Legislative Counsel

cc:

O/DCI	Mr. Lapham
O/DDCI	Mr. Falkiewicz
Ex. Sec.	IC Staff
DDA	Compt
DDI	SA/DO/O
DDS&T	NIO

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~~CIA INTERNAL ONLY~~ ~~SECRET~~

George L. Cary

~~CIA INTERNAL~~
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CIA HISTORICAL REVIEW PROGRAM

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Monday - 29 November 1976

J-3

H S C A
See 77-0014//

1. (Unclassified - KSN) LIAISON Richard Abrams, in the office of Representative Harold Ford (D., Tenn.), called to request two Agency publications entitled, "Soviet Energy - Soviet Long Range Energy Forecast - September 1976" and "Statistical Survey - International Oil Developments" dated 25 March 1976. I have asked Robert Hepworth's, OCI, office for the publications and will send them to Abrams as soon as they are received.

2. (Unclassified - BAA) LIAISON Called Richard Moose, Senate Foreign Relations Committee staff, and told him the message he was expecting from Senator Dick Clark (D., Iowa) was in and that I would send it to him via an Agency courier. The message was sent to Moose at the State Department where he will be for the next three to four weeks working with the transition team.

3. (Unclassified - GLC) LIAISON Met with Richard Sprague, Acting Director, House Select Committee on Assassinations, re secrecy agreements. (See Memorandum for the Record.)

4. (Confidential - GLC) LIAISON Bill Miller, Staff Director, Senate Select Committee on Intelligence, called and said that Senator Jake Garn (R., Utah) is planning a trip to England and would like to meet with the British. Miller said he explained to the Senator the problems we had with this but he told Senator Garn that he (Miller) was sure that arrangements could be made through the Agency on the subject and perhaps contacts could be set up with the people here in Washington. Miller said the Senator would probably want to travel sometime after the first of the year and he would let us know. I said I would check on this and be back in touch.

5. (Internal Use Only - GLC) AGENCY VISIT Bill Miller, Staff Director, Senate Select Committee on Intelligence, visited Headquarters for lunch with Mr. Knoche, DDCI, John Waller, IG, William Wells, DDO, and George Cary, LC, to discuss Chairman Daniel Inouye's (D., Hawaii) letter of 11 November 1976. (See Memorandum for the Record.)

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William Wells

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CIA HISTORICAL REVIEW PROGRAM**

OLC 76-3480
29 November 1976

OLC RECORDS 0377

*HSC on Assassination
Guidelines*

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77-0014/1			

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Mr. Richard Sprague, Chief Counsel,
House Select Committee on Assassinations

1. In the wake of the testimony of former Agency employee, David Phillips, before the House Select Committee on Assassinations on Saturday, 27 November, I called Richard Sprague, Chief Counsel of the Committee, this morning in an effort to determine what, if any, arrangements have been made or are in the process of being made with the FBI for clearances of Select Committee staff members and to try to facilitate access by Sprague and appropriate members of the Committee staff to Agency records on the subject of the intercept of information in the Cuban and Soviet embassies in Mexico regarding the activities of Lee Harvey Oswald. Without questioning Sprague specifically on whether Phillips' testimony had gone into classified areas, I told him that we were concerned that the lack of security clearances was precluding the Committee from getting access to pertinent classified information.
2. Mr. Sprague told me that he met with Attorney General Levi last Wednesday and at that session Levi provided him with a copy of a Memorandum of Understanding which would be the basis for FBI clearance investigations of Select Committee staff personnel. Sprague said his people were currently reviewing the draft memorandum which Levi had provided him and he would be quite happy to have me drop by today to look at it to see if I had any suggestions for changes. It was agreed that I would drop by his office at 4:00 p.m. this afternoon.
3. I went to Mr. Sprague's office in the old FBI building at 4:00 p.m. as scheduled but Sprague had gotten tied up in meetings in the Senate Office Building and I didn't get to see him until approximately 4:40 p.m. At that time, Sprague showed me a letter he had received from Levi transmitting a copy of the proposed Memorandum of Understanding with the Committee. I was familiar with the Memorandum of Understanding negotiated by the Bureau with the Senate Select Committee on Intelligence under similar circumstances and reviewed the current draft against that background. I told Sprague that the agreement appeared quite similar to the Memorandum of Understanding which I was told had been negotiated by the Bureau with the Senate Select Committee on Intelligence.

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2 REPORT OF *Signer*

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4. I noted, however, that there appeared to be one difference between this Understanding and the one negotiated with the SSCI and that was the omission of any reference to the requirements of DCID 1/14 in the procedures relating to security clearances. I reviewed with Sprague the negotiations we have concluded with the SSCI and their agreement with the wisdom of establishing security clearance procedures in accordance with 1/14 to avoid any problems of disparity in clearance requirements between the Bureau and intelligence agencies. I outlined in general the arrangements that had been worked out between the Bureau, the SSCI, and the Agency. Mr. Sprague seemed to appreciate the advantages to them of an arrangement similar to that worked out for SSCI clearances and said he would welcome our adding to the document any language which we thought was appropriate to accomplish the inclusion of the 1/14 procedures. I told him if it was agreeable with him that I would have our people contact the FBI in order to work with them in revising this language. He said that was fine, in fact he would welcome such a move on our part. I also told Sprague that I would give him a short paper pointing out the differences between the general requirements for security clearances as applicable to the FBI as opposed to the requirements of DCID 1/14. This way he would have a better idea of the value of clearances in accordance with this latter authority. Sprague said he would withhold any action in accepting the FBI memorandum until he had heard from us. I told him that I hoped to accomplish this by sometime tomorrow.

5. I also mentioned to Sprague the arrangements which we had worked out with the Senate Select Committee with respect to secrecy agreements and in doing so referred to the very strict disclosure requirements contained in S. Res. 400 relating to the SSCI. Not understanding precisely what I had in mind, Sprague asserted that the Committee would have to retain its own authorities with respect to disclosures and couldn't capitulate to Executive Branch requirements in this regard. I hastened to explain to him that I was referring to unauthorized disclosures by individuals and not disclosures by the Committee, which I said would have to be the subject of different negotiations. It should be noted here that my conversation with Mr. Sprague was thoroughly friendly and followed the pattern of his earlier talks with Mr. Lyle Miller of our office. Following the pattern of our relationships with the Senate Select Committee on Intelligence, both Sprague and I asserted our desire not to get into parochial issues between the Committee and the Agency but to recognize the prerogatives of each and work out problems rather than assert prerogatives which could unnecessarily complicate our relationships over issues where problems did not exist. In connection with the subject of the secrecy agreement, I think it would be desirable to provide Sprague with a copy of the agreement which has been developed in conjunction with the Senate Select Committee on Intelligence. The difference, however, is that the Select Committee on Assassinations does not currently have any tight disclosure provisions within its charter. I noted this and asked Sprague if he intended to

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request additional charter language in another resolution in the 95th Congress which would set out some of these provisions. He said indeed that was their intention and he noted somewhat gratuitously that he was also hoping to obtain authorization in the resolution for the Committee staff to take testimony from witnesses. At first blush, this appears to be an undesirable feature but Sprague pointed out his concern that under present rules it was necessary to have two members of the Committee present whenever testimony was taken from witnesses and he was concerned that this was exposing members of the Committee unduly to sensitive information, which it might not be necessary for them to have in the course of their ultimate deliberations. As he has indicated to Mr. Miller, Mr. Sprague said that he has no desire to obtain any more classified information than is absolutely necessary and he is very mindful of the need to "run a tight ship" in the aftermath of the disastrous record of the House Select Committee on Intelligence. He also advised me that all employees hired by the Committee thus far have been appointed subject to security clearance, including himself.

6. I asked Mr. Sprague if he had yet hired a professional security director and he said he had not, but would welcome any recommendations that we could make to him in this regard. I again suggested that he or senior members of his staff be in touch with Mr. Ben Marshall, Security Director of the Senate Select Committee on Intelligence, who I identified as a very responsible individual who might be helpful to the House Select Committee in setting up its security procedures. Sprague and I agreed that it would not be desirable to have an Agency type employed by the Committee as security director, but he is amenable to receiving any suggestions which we might make to him in this regard.

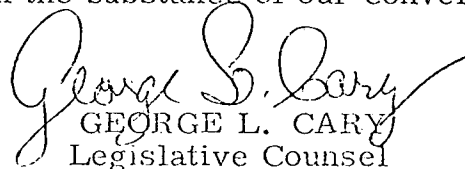
7. As we continued our discussions, I told Mr. Sprague that we were very anxious to work out arrangements for him and one or two senior members of his staff to have access to Agency records on the matter involving the Oswald contacts in Mexico City. I pointed out that we felt it would be useful to them to have access to the specific documents involved rather than to rely on the recollections of individuals. Sprague said he was most anxious to do this and would welcome anything we could do to facilitate clearances on an ad hoc basis so that this access could be accomplished. I told him I would look into the question of ad hoc clearances, but pointed out that this was an unusual procedure since normally we would want to negotiate our own Memorandum of Understanding with the Committee and establish some security guidelines for our deliberations and for their access to information and witnesses. I believe Mr. Sprague fully understands our intentions and desire to cooperate and to be forward leaning in this respect. I told him that I would contact our security people with the suggestion that

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the House Select Committee staff might do well to contact Ben Marshall, of the SSCI, who had been quite effective in establishing physical security facilities for that Committee.

8. I would note parenthetically here that in a conversation with William Miller, Staff Director, SSCI, earlier in the day I happened to mention my plans to be in touch with Mr. Sprague today and asked if there had been any contact between the two Committees. Miller mentioned at that time that the House Committee had contacted the SSCI and that they would be willing to give the House Committee access to SSCI records provided them so long as the House Committee agreed to abide by the disclosure provisions of S. Res. 400.

9. Finally, Mr. Sprague brought up the subject of the Director's letter of 23 November to the Chairman regarding the preservation of records material to the Committee's investigation in connection with the moratorium that had been established in response to the request of Senators Mansfield and Scott when the Church Committee was first established. Mr. Sprague indicated that he had some problems with the letter, especially references in paragraph one to the fact that information would be retained which was "important" to the Committee's investigation of the assassinations of John F. Kennedy and Martin Luther King, Jr. He also had difficulty with the last paragraph which indicated something to the effect that the Agency would retain records pertinent to current FOIA cases, subjects of litigation, and investigations. Mr. Sprague had some suggested alternative language which I had some difficulty with and told him we would "tinker with it" and get back to him with a clean draft of the Director's letter before we put it in final form again for DCI signature. I told Mr. Sprague I would be back in touch with him on all of these matters as soon as possible, hopefully, tomorrow. Following my meeting with Mr. Sprague, I briefed Mr. Knoche on the substance of our conversations.


GEORGE L. CARY
Legislative Counsel

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